

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK: HOUSING PART F

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Mariners Cover Site B Assoc.

L&T INDEX # 63974/14

Petitioner

-against-

Dr. Greer

Respondents

ORDER/DECISION

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Recitation as required by CPLR 2219(A), of the papers considered in review of these motions:

Order to Show Cause and Affidavits annexed.....1-3  
Answering Affidavits .....8  
Exhibits.....4-7

Petitioner's motion to enter a judgment for failure to pay court ordered use and occupancy is granted.

There is no dispute respondent has not made any payments of use and occupancy as directed by the order of Civil Courts dated March 13, 2015. Accordingly, respondent's affirmative defenses and counterclaims are hereby dismissed without prejudice to a plenary action. Petitioner is awarded a final judgment of possession and the forthwith issuance of the warrant of eviction. Execution is stayed to March 31, 2016 provided respondent pays use and occupancy at the rate of \$3395 per month on or before the 15th day of February and March 2016 respectively (see RPAPL 745 [2][c][i]; *Clinton Hill Lofts, I LLC v. Reid*, NYLJ Aug.6, 2003 p. 23 c. 1 [Civ. Ct. Kings Co.]).

Petitioner is also awarded a money judgment in the sum of \$44, 135 representing unpaid use and occupancy for the period of April 2014 to April 2015. This award is without prejudice to a plenary action for the use and occupancy which may have accrued after April 31, 2015 and without prejudice to any defense thereto.

The foregoing constitutes the decision and order of this court.

Date: January 28, 2016  
New York, New York

  
\_\_\_\_\_  
Maria Milin, JHC

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Exhibits.....4-6, 8-18

Respondent's motion for leave to conduct discovery is denied as moot. See decision under motion sequence 005.

The foregoing constitutes the decision and order of this court.

Date: January 28, 2016  
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Answering Affidavits .....9  
Reply .....19  
Exhibits.....3-8, 10-18

Respondent's motion to amend his answer is withdrawn. Respondent alleges the arguments raised herein are now being litigated in federal court. (¶ 12 respondent's motion to dismiss; seq. 10)

The foregoing constitutes the decision and order of this court.

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Maria Milin, JHC

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Exhibits.....3-6; 8,9

Respondent's motion to dismiss on the ground that petitioner lacks standing to maintain this proceeding is denied. Respondent's argument that because the managing partner has been removed, the remaining members no longer have standing is without merit.

Petitioner, as the landlord of the premises, has standing to proceed irrespective of respondent's claims as to its internal management (RPAPL 721[1]).

Accordingly, the motion is denied.

The foregoing constitutes the decision and order of this court.

Date: January 28, 2016  
New York, New York

  
\_\_\_\_\_  
Maria Milin, JHC

New York County Civil Court  
Landlord and Tenant Judgment

Petitioner(s):  
MARINERS COVE SITE B ASSOCIATES

Index Number: LT-063974-14/NY

vs.

Respondent(s):  
GREER, DR. STEVEN

A Petition and Holdover Petition duly verified and proof of service having been filed with this court and the issue having been decided before Honorable Maria Milin Housing Court Judge on August 10, 2015, a final order is made, after hearing in favor of Petitioner: MARINERS COVE SITE B ASSOCIATES.

On Motion of: ABRAMSON LAW GROUP, PLLC  
570 LEXINGTON AVENUE 23 FL, NEW YORK, NY 10022

**IT IS ADJUDGED:**

That possession of the premises, described in the petition located at 200 RECTOR PLACE 35F, NEW YORK, NY 10280, said property is further described as: APARTMENT 35F, be awarded to the petitioner(s), along with a monetary judgment in the amount of \$44,135.00 for a total judgment of \$44,135.00, without costs.


Petitioner creditor(s) and address(es):  
(1) MARINERS COVE SITE B ASSOCIATES

Respondent debtor(s) and address(es):  
(1) GREER, DR. STEVEN, at 200 RECTOR PLACE 35F, NEW YORK, NY 10280

**IT IS FURTHER ORDERED:**

That a warrant of eviction shall issue removing all named respondents from the described premises. The Execution of the Warrant is Stayed per Stipulation/Order.

Date of Decision: 08/10/2015

  
Honorable Maria Milin  
Housing Court Judge

Judgment entered at New York County Civil Court, 111 Centre Street, New York, NY 10013, in the STATE OF NEW YORK in the total amount of **\$44,135.00 on 01/29/2016 at 09:57 AM.**

Judgment sequence 1

  
Carol Alt, Chief Clerk

Warrant issued to Marshal \_\_\_\_\_ on \_\_\_\_\_

Section 5020(c) of the Civil Practice Law and Rules requires that a satisfaction be filed with the clerk when the judgment is satisfied. Failure to do so subjects the judgment creditor to penalties.